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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

IN THE MATTER OF:

CHARLES J. DAINS,
Complainant,

v.

RIGBY WATER COMPANY,
Respondent.

DOCKET NO. W-01808A-09-0137

**STAFF'S NOTICE OF FILING
DIRECT TESTIMONY**

The Utilities Division of the Arizona Corporation Commission ("Staff") hereby files the Direct Testimony of Staff witness Bradley Morton in the above-referenced matter.

RESPECTFULLY SUBMITTED this 20th day of August, 2010.

Robin R. Mitchell
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

Original and thirteen (13) copies of the foregoing were filed this 20th day of August, 2010 with:

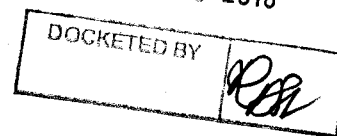
Docket Control
Arizona Corporation Commission
1200 West Washington Street
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Copies of the foregoing were mailed this 20th day of August, 2010 to:

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Arizona Corporation Commission
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BEFORE THE ARIZONA CORPORATION COMMISSION

KRISTIN K. MAYES
Chairman
GARY PIERCE
Commissioner
PAUL NEWMAN
Commissioner
SANDRA D. KENNEDY
Commissioner
BOB STUMP
Commissioner

IN THE MATTER OF:) DOCKET NO. W-01808A-09-0137

CHARLES J. DAINS,)
COMPLAINANT,)
V.)
RIGBY WATER COMPANY,)
RESPONDENT.)
_____)

DIRECT
TESTIMONY
OF
BRADLEY G. MORTON
PUBLIC UTILITIES CONSUMER ANALYST II
UTILITIES DIVISION
ARIZONA CORPORATION COMMISSION

AUGUST 20, 2010

INTRODUCTION

Q. Please state your name, occupation, and business address.

A. My name is Bradley Morton. I am a Public Utilities Consumer Analyst II employed by the Arizona Corporation Commission ("ACC" or "Commission") in the Utilities Division ("Staff"). My business address is 1200 West Washington Street, Phoenix, Arizona 85007.

Q. Briefly describe your responsibilities as a Public Utilities Consumer Analyst II.

A. In my capacity as a Public Utilities Consumer Analyst II, I interact between the consumer and their disputes with public utilities. I interpret utility tariffs to see if there are any tariff violations. I also process Main Line Extension Agreements ("MXA's") for water utilities.

Q. Please describe your educational background and professional experience.

A. I attended the University of Illinois Chicago Circle from 1968 through 1970. From 1970 through November 1993 I was employed at Illinois Bell Telephone as a Customer Service Representative handling residential accounts. From February 1994 through August 1995, I worked as Credit Analyst for American Express Corporate Card. In August 1995 I went to work at the Commission and where I am presently employed.

Q. What is the scope of your testimony in this case?

A. I will address the processing of MXAs by Commission Staff.

Q. Could you explain the process for an MXA?

A. Pursuant to Arizona Administrative Code ("AAC") R-14-2-406 (M), water utilities are required to submit MXAs for Staff review and approval. Once received, Staff verifies that the MXA contain the necessary information required by AAC R-14-2-406. As part of the review process, the MXA is also reviewed by Engineering Staff. Engineering Staff

1 determines system capacity and the reasonableness of cost. Upon completion of the Staff
2 review, if it is determined the MXA meets the requirement of AAC R-14-2-406, an
3 approval letter is issued to the utility. Staff retains a copy of the MXA in its files for 10
4 years.

5
6 **Q. Did Rigby Water Company ("Rigby") submit a copy of the MXA between Rigby and**
7 **Terra Mobile Ranchettes Estates, dated October 1, 1998 to Staff for review and**
8 **approval?**

9 A. To the best of my knowledge and after a review of Staff records, I did not find any record
10 of a filing by Rigby.

11
12 **Q. Did you find any prior Commission decisions on MXA's and the refund provisions**
13 **under AAC R14-2-406?**

14 A. I conducted a review on the Commission's eDocket and found Decision No. 66593 on
15 point. The Complainant, Fred Shook entered into an alleged that the MXA with Park
16 Valley Water Company. Mr. Shook alleged that the MXA had not been filed with or
17 approved by Commission Staff in accordance with AAC R14-2-406 and sought a refund
18 pursuant to AAC R14-2-204 (M). The Commission found that the MXA had not been
19 filed with or approved by Staff and ordered the repayment of the advance, less any refunds
20 already paid.

21
22 **Q. Does this conclude your Direct Testimony?**

23 A. Yes, it does.